

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

**MISSISSIPPI ASSOCIATION OF
EDUCATORS, et al.**

PLAINTIFFS

VS.

CIVIL ACTION NO. 3:25-cv-00417-HTW-LGI

**BOARD OF TRUSTEES OF STATE
INSTITUTIONS OF HIGHER LEARNING,
et al.**

DEFENDANTS

**DEFENDANTS RESPONSE IN OPPOSITION TO PLAINTIFFS' MOTION FOR
PRELIMINARY INJUNCTION [ECF #11]**

The remaining named defendants¹ (collectively “Defendants” or “State Defendants”), by and through counsel, file this their response to Plaintiffs’ motion for preliminary [ECF #11], and in support thereof would show the following:

1. This Court does not have jurisdiction over the claims asserted by the Plaintiffs in this action and, therefore, cannot grant any relief including the preliminary injunction order sought in the present position because some or all of the plaintiffs lack standing to sue.
2. Additionally, Plaintiffs cannot establish the requisite elements of traceability and redressability necessary for Article III standing as to many of named defendants.
3. Defendants adopt and incorporate by reference, as if fully and completely set forth herein, the arguments and authorities set forth in previous defense filings. ECF# 17-20.²

¹ The original named defendants, Board of Trustees of State Institutions of Higher Learning, Mississippi Community College Board, Mississippi State Board of Education, and Mississippi Charter School Authorizer Board. Were dismissed from this action on June 30, 2025 by stipulation. ECF# 32.

² At the time these papers were filed, the original four state boards named as defendants were the only named defendants. Since, Plaintiffs have amended their complaint to add the individual members of the original defendant boards in their official capacities and the Mississippi Attorney General in her official capacity. ECF# 22. These newly joined defendants, adopt and incorporate the initial Motion to Dismiss and Response to TRO in a manner which corresponds to their respective boards. The Attorney General also adopts and incorporates all arguments raised in these prior filings. The new defendants are filing a motion to dismiss the Amended Complaint simultaneously with this

Defendants further adopt and incorporate by reference, as of full and completely set forth herein, the arguments and authorities set forth the *Memorandum of Authorities in Support of State Defendants' Response to in Opposition to Plaintiffs' Motion for Preliminary Injunction Order*, being filed contemporaneously herewith.

4. Based on the grounds asserted herein and as further set forth in the aforementioned memorandum of authorities, Plaintiffs' motion for preliminary injunction should be denied for lack of subject-matter jurisdiction and because they have failed to meet their burden to establish the essential elements of the relief they seek.

5. In further support of their response, Defendants submit the following:

Exhibit A Dear Colleague Letter dated February 14, 2025.

Exhibit B Declaration of Dr. Casey Prestwood.

Exhibit C Declaration of Ray Kelly Smith IV.

Exhibit D Declaration of Kymberly Wiggins.

Exhibit E Declaration of Dr. Lisa Karmacharya

FOR THESE REASONS, Defendants respectfully ask this Court to enter an order DENYING Plaintiffs' Motion for Preliminary Injunction.

response. The State Defendants adopt and incorporate any applicable arguments raised in the aforementioned motion to dismiss here.

THIS the 2nd day of July, 2025.

Respectfully submitted,

LYNN FITCH, IN HER OFFICIAL CAPACITY AS ATTORNEY GENERAL OF MISSISSIPPI; GEE OGLETREE, IN HIS OFFICIAL CAPACITY AS PRESIDENT OF THE BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING; STEVEN CUNNINGHAM, AMY ARRINGTON, DONALD CLARK, JR., ORMELLA CUMMINGS, JERRY L. GRIFFITH, JIMMY HEIDELBERG, TERESA HUBBARD, BRUCE MARTIN, HAL PARKER, GREGG RADER, AND CHARLIE STEPHENSON, ALL IN THEIR OFFICIAL CAPACITIES AS MEMBERS OF THE BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING; JOHN PIGOTT, IN HIS OFFICIAL CAPACITY AS CHAIR OF THE MISSISSIPPI COMMUNITY COLLEGE BOARD; CHERYL THURMOND, VIDET CARMICHAEL, DONNIE CAUGHMAN, BUBBA HUDSPETH, DOLLY MARASCALCO, JOHNNY MCRIGHT, LUKE MONTGOMERY, WILL SYMMES, AND DIANNE WATSON, ALL IN THEIR OFFICIAL CAPACITIES AS MEMBERS OF THE MISSISSIPPI COMMUNITY COLLEGE BOARD; GLEN EAST, IN HIS OFFICIAL CAPACITY AS CHAIR OF THE MISSISSIPPI STATE BOARD OF EDUCATION; MATT MILLER, LANCE EVANS, WENDI BARRETT, MATT MAYO, BILL JACOBS, RONNIE MCGEHEE, MIKE PRUITT, BILLYE JEAN STROUD, AND MARY WERNER, ALL IN THEIR OFFICIAL CAPACITIES AS MEMBERS OF THE MISSISSIPPI STATE BOARD OF EDUCATION; MARCY SCOGGINS, IN HER OFFICIAL CAPACITY AS CHAIR OF THE MISSISSIPPI CHARTER SCHOOL AUTHORIZER BOARD; AND JAY CARNEY, SANDRA MCKIERNON, ERIN MEYER, BEN MORGAN, CANDACE ROBINS, AND JENNIFER JACKSON WHITTIER, ALL IN THEIR OFFICIAL CAPACITIES AS MEMBERS OF THE

MISSISSIPPI CHARTER SCHOOL
AUTHORIZER BOARD, DEFENDANTS

By: LYNN FITCH, ATTORNEY GENERAL
STATE OF MISSISSIPPI

By: s/Lisa A. Reppeto
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ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF SERVICE

I, Lisa A. Reppeto, Special Assistant Attorney General and attorney for the above-named defendants, do hereby certify that I have this date caused to be filed with the Clerk of the Court a true and correct copy of the above and foregoing via the Court's ECF filing system, which sent notification of such filing to all counsel of record.

THIS the 2nd day of July, 2025.

s/Lisa A. Reppeto
LISA A. REPPETO

